IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FOURTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and
THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION No. 2592 of 2004

Between:

Chunduri Venkatarao, S/o. Late China Kotaiah,
R/o.Venkatarajupalem, Maddipadu Mandal, Prakasam District.

.... PETITIONER

AND

1 The Union of India, rep. by its Secretary,

Ministry of Law, Shastri Bhavan,

R.P.Road, New Delhi.
2 State Bank of Hyderabad,

Ongole Branch, Kurnool Road,

Prakasam District.
3 The Authorised Signatory,

State Bank of Hyderabad, Regional Office,

Vijayawada, Krishna District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the Securitisation and Reconstruction of Financial Assets & Enforcement of Security Interest Act, 2002l more particularly Sec. 13 (2) and 13 (4) as invalid and violative of the rights of the petitioner guaranteed under the Constitution of India and consequently declare the notice dt. 15-12-2003 issued by the 3rd respondent under Sec. 13 (2) of the Act as arbitrary, violative of principles of natural justice and Articles 14, 19 (1) (g) and 300-A of Constitution of India.

For the Petitioner :Mr.SATYANARAYANA NIMMAGADDA , Advocate.

For the Respondent: Mr. A.RAJASHEKAR REDDY (SC FOR CG) for R-1 Mr. K.V.Simhadri for R-2

None appeared for R-3

The Court Made the Following :

ORAL ORDER: (Per Hon'ble the Chief Justice)

In view of the decision rendered by the Hon'ble Supreme Court in Transfer Case (Civil) No. 92-95 of 2002, dated

8th April, 2004 *(MARDIA CHEMICALS LTD v. UNION OF INDIA AND OTHERS*), challenge to the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, is not tenable and for that reason, the relief prayed for cannot be granted.

The writ petition, therefore, is dismissed.

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DEVINDER GUPTA, CJ

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G. ROHINI, J.

To

1. The Union of India, rep. by its Secretary,

Ministry of Law, Shastri Bhavan,

R.P.Road, New Delhi.

2 . State Bank of Hyderabad,

Ongole Branch, Kurnool Road,

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